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5 Attorneys for Defendants,  
6 BCW DIVERSIFIED, INC. and ERIC BROWNELL

7  
8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA– WESTERN DIVISION**

10  
11 ULTRA PRO INTERNATIONAL, LLC,  
a Delaware Limited Liability Company

12 Plaintiff,

13 vs.

14  
15 BCW DIVERSIFIED, INC., an Indiana  
Corporation, and ERIC BROWNELL, an  
16 individual

17 Defendants.

CASE NO. 2:24-cv-8467

**DEFENDANTS' NOTICE OF  
MOTION AND MOTION TO  
DISMISS OR, IN THE  
ALTERNATIVE, TRANSFER**

**[MEMORANDUM OF POINTS &  
AUTHORITIES, DECLARATION  
OF ERIC BROWNELL, AND  
[PROPOSED] ORDER FILED  
CONCURRENTLY HEREIWTH]**

Hearing Date: November 20, 2024

Time: 10:00 a.m.

Courtroom: 880

Judge: Hon. Maria A. Audero

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24 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

25 PLEASE TAKE NOTICE that on November 20, 2024, at 10:00 a.m., or as soon  
26 thereafter as the matter may be heard in the courtroom of the Honorable Maria A. Audero,  
27 Courtroom 880, located in the Roybal Federal Building, 255 E. Temple St., Los Angeles,

1 CA 90012, defendants BCW Diversified, Inc. and Eric Brownell (“Defendants”), by and  
2 through counsel, will and do hereby move the Court for an order dismissing this action; or,  
3 in the alternative, an order transferring action to the action styled *BCW v. ULTRA PRO*  
4 pending in the United States District Court, Southern District of Indiana, Indianapolis  
5 Division, Case No. 24 C 1699 (“Indiana Action”).

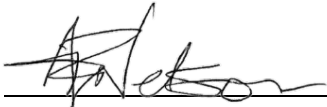
6 Defendants file this motion pursuant to Fed.R.Civ.P. 13(a) and 28 U.S.C.A. §  
7 1404(a), and on the grounds that Plaintiff’s claims in the instant action are compulsory  
8 counterclaim in the Indiana Action, and the Indiana Action is the prior pending action.

9 This motion is made following the conference of counsel pursuant to L.R. 7-3, which  
10 took place on October 14, 2024, wherein counsel thoroughly discussed the substance and  
11 potential resolution of the filed motion by phone.

12 The motion is based on this Notice of Motion and Motion; the Memorandum of  
13 Points and Authorities, as well as the Declaration of Eric Brownell and exhibits thereto  
14 filed herewith, and upon the papers, records, and pleadings on file herein.

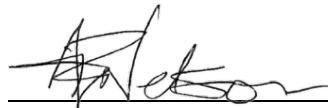
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16 DATED: October 22, 2024

FORWARD COUNSEL LLP

17  
18 By:   
19 Andrew R. Nelson  
20 Attorneys for Defendants  
21 BCW DIVERSIFIED, INC. and ERIC  
22 BROWNELL  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 22, 2024, I electronically filed the foregoing document with the Clerk of the Court using the Court's CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

By:   
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